

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHARLES DAVID BROOKS, #1043239 §
VS. § CIVIL ACTION NO. 6:18cv402
BRANDON SHINAULT, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Charles David Brooks, a prisoner currently confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil lawsuit. In response, Defendant Shinault, Ellis, and High filed a motion for judgment on the pleadings pursuant to Rule 12(c), FED. R. Civ. P., requesting the dismissal of all claims against them. (Dkt. #18). Mr. Brooks filed a response in opposition. (Dkt. #26).

The motion was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that Defendants' motion for judgment on the pleadings (Dkt. #18) should be granted in part and denied in part. (Dkt. #33). The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the motion, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the court. It is accordingly

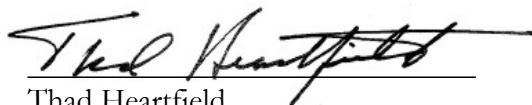
ORDERED that the Report and Recommendation (Dkt. #33) is **ADOPTED**. It is further
ORDERED that Defendants Shinault, Ellis, and High's motion for judgment on the pleadings (Dkt. #18) is **GRANTED** in part and **DENIED** in part. It is further

ORDERED that the Defendants' request to dismiss the claim for money damages against them in their official capacities is **GRANTED**. It is further

ORDERED that Mr. Brooks' claim for injunctive relief against the Defendants is **DISMISSED** as **MOOT**. It is finally

ORDERED that Defendants' motion for judgment on the pleadings requesting to dismiss Mr. Brooks' claims for money damages against the Defendants in their individual capacities is **DENIED** without prejudice. Mr. Brooks may proceed with his conditions of confinement claim for money damages against Defendants Shinault, Ellis, and High in their individual capacities.

SIGNED this the **20** day of **May, 2019**.



Thad Heartfield
United States District Judge